

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 466, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1 begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 9-30-7-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) **As used in this**
- 5 **chapter, "portable breath test" means a hand held apparatus that**
- 6 **measures the alcohol concentration in a breath sample delivered by**
- 7 **a person into the mouthpiece of the apparatus.**
- 8 (b) As used in this chapter, "fatal accident" means an accident, a
- 9 collision, or other occurrence that involves at least one (1) vehicle and
- 10 that results in:
- 11 (1) death; or
- 12 (2) bodily injury that gives a law enforcement officer reason to
- 13 believe that the death of at least one (1) person is imminent.
- 14 SECTION 2. IC 9-30-7-2 IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2001]: Sec. 2. A person who operates a vehicle
 2 impliedly consents to submit to the **portable breath test or** chemical
 3 test under this chapter as a condition of operating a vehicle in Indiana.
 4 A person must submit to each **portable breath test or** chemical test
 5 offered by a law enforcement officer under this chapter to comply with
 6 this chapter."

7 Page 1, line 3, after "offer" insert ":

8 **(1) a portable breath test; or**

9 **(2)".**

10 Page 1, line 3, after "test" insert ";

11 Page 1, line 3, begin a new line blocked left beginning with "to".

12 Page 1, line 5, after "injury." insert **"If the results of a portable**
 13 **breath test indicate the presence of alcohol, the law enforcement**
 14 **officer shall offer a chemical test to the person."**

15 Page 1, line 6, after "(1)" insert **"portable breath test or"**.

16 Page 1, line 11, before "chemical" insert **"portable breath test or"**.

17 Page 1, after line 11 begin a new paragraph and insert:

18 "SECTION 4. IC 9-30-7-5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A person who
 20 refuses to submit to a **portable breath test or** chemical test offered
 21 under this chapter commits a Class C infraction.

22 (b) In addition to any other penalty imposed, the court may suspend
 23 the person's driving privileges for a period of not more than one (1)
 24 year."

25 Renumber all SECTIONS consecutively.

(Reference is to SB 466 as printed February 14, 2001.)

and when so amended that said bill do pass.

Representative Dvorak